UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,688	01/04/2002	Osman Kent	TD-0198	8291

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EXAMINER
DALENCOURT, YVES

ART UNIT	PAPER NUMBER
2157	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/037,688	KENT ET AL.
	Examiner	Art Unit	
	Yves Dalencourt	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 November 2006_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action is responsive to amendment filed on 11/10/2006.

Response to Amendment

The Examiner has acknowledged the amended claim 1.

Response to Arguments

Applicant's arguments filed on 11/10/2006 have been fully considered but they are not persuasive.

Regarding Applicants' only argument (pages 9 - 13) that Lee fails to teach or suggest that the client sends " image modifying data ". The Examiner respectfully disagrees because the claims recite " the visual server is **configured to** selectively receive image-modifying data ". The term "**configured to** " is not a positive limitation, but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. The Examiner contends that Lee does teach a visual image server that receives image modifying data. The image data sent by the client has to be in a modified format in order to allow the server to change or modify it accordingly (see col. 3, lines 9 – 17). Lee also discloses that when a Web browser makes a request to the Web server, the Web server may make assumption based on the client computer preference list. For example, assumptions may be made regarding the language, color space and formats to be used, how tables of information should be sent, or what type of encoding will be accepted (see col. 3, lines 51 - 58).

Applicants argue that Lee does not instruct the server how to modify the image. The Examiner respectfully disagrees with Applicants' assertion because Lee does instruct the Web server by sending the client computer preference list to the Web server upon a request (col. 3, lines 51 - 58).

In fact, it appears that Applicants are interpreting the claims very narrow without considering the broad teaching of the reference used in the rejection.

Applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969).

In view of such, the rejection is maintained as follows:

Claim Objections

Claim 27 is objected to because of the following informalities: It is suggested to delete " dat " (line 5) and insert --- data has occurred ---. Appropriate correction is required.

Claim 1 is objected to because the term " configured to " (lines 3 and 10), it has been held that the recitation that an element " **is configured to** " perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, 9 – 12, 14 – 19, and 23 - 26 are rejected under 35 U.S.C. 102(e) as

being anticipated by Lee et al (6,658,167; hereinafter Lee).

Regarding claim s 1, 5, 9, 12, and 14, Lee teaches an image display system (fig.

1), comprising a visual server (120, fig. 1) having image processing capabilities wherein

the visual server is configured to selectively receive image-modifying data

corresponding to a generated image (fig. 2; col. 3, lines 9 – 17; Lee discloses

transmitting information 210 related to the intended use of the data in a client

application from the client computer to the server), generate a modified image based

upon the image-modifying data, and transmit the modified image as compressed data

(col. 3, lines 18 – 23; Lee discloses that the information related to the intended use of

data is transmitted to the server and this transmitted information is used by the server

application program to modify the data); and at least one client in selective

communication with the visual server (fig. 1), the client including an image display

(inherently in client 110a-110c), the client configured to further selectively generate

image-modifying data and transmitting the image-modifying data to the visual server,

and the client receives as compressed data from the visual server an image modified

based upon the transmitted image-modifying data, decompresses the compressed

image data, and displays the decompressed image on the client image display (col. 3,

lines 41 – 49; col. 5, lines 27 - 67).

Regarding claim 2, Lee teaches the system of claim 1, wherein the visual server

and the at least one client are in selective communication across a network (col. 2, lines

19 - 30).

Regarding claim 3, Lee teaches the system of claim 1, wherein the visual server

and the at least one client are in selective communication across the Internet (fig. 1; col.

3, lines 41 - 49).

Regarding claim 4, Lee teaches the system of claim 1, wherein the visual server

and the at least one client are in selective wireless communication (fig. 3; col. 7, lines 1

- 5).

Regarding claim 10, Lee teaches the server of claim 9, wherein the visual server

is in selective communication across a network to one or more clients (col. 2, lines 19 -

30).

Regarding claim 11, Lee teaches the server of claim 9, wherein the visual server

is selective wireless communication to one or more clients (col. 7, lines 1 - 5).

Regarding claim 15, Lee teaches the method of claim 14, further comprising the

step of transmitting a link to the visual server from the client prior to the step of

transmitting the image-modifying data from the client to the visual server (col. 3, lines 50

– 53).

Regarding claim 16, Lee teaches the method of claim 14, wherein the steps of transmitting the image-modifying data from the client to the visual server and transmitting the modified image from the visual server to the client as compressed data are performed across a network (col. 2, lines 19 - 30).

Regarding claim 17, Lee teaches the method of claim 14, wherein the steps of transmitting the image-modifying data from the client to the visual server and transmitting the modified image from the visual server to the client as compressed data are performed across the Internet (fig. 1; col. 3, lines 41 - 49).

Regarding claim 18, Lee teaches the method of claim 14, wherein the steps of transmitting the image-modifying data from the client to the visual server and transmitting the modified image from the visual server to the client as compressed data are performed through wireless communication (col. 7, lines 1 - 5).

Regarding claim 24, Lee teaches the method of claim 23, wherein the step of transmitting the modified image from the visual server to the client as compressed data is transmitting the modified image across a network (col. 2, lines 19 - 30).

Regarding claim 25, Lee teaches the method of claim 23, wherein the step of transmitting the modified image from the visual server to the client as compressed data is transmitting the modified image to the client via wireless communication (col. 7, lines 1 - 5).

Allowable Subject Matter

Claims 6 – 8, 13, 20 – 22, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As specifically claimed, the art of record fail to teach that the visual server transmit the modified image to the client after predetermined duration of generating an image based upon the transmitted image-modifying data has occurred. Also, the art of record fail to teach that the client transmits the image-modifying data to the visual server as data sufficient to generate an image frame.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 13, 2007

YVES DALENCOURT
PRIMARY EXAMINER
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